

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
TRACEY A. KENNEDY, Cal Bar No. 150782
ROBERT E. MUSSIG, Cal. Bar No. 240369
H. SARAH FAN, Cal. Bar No. 328282
350 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3460
Telephone: 213.620.1780
Facsimile: 213.620.1398
E-mail: tkennedy@sheppardmullin.com
rmussig@sheppardmullin.com
sfan@sheppardmullin.com

Attorneys for Defendant.
CHEVRON U.S.A. INC.,
a Pennsylvania corporation

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

MARK SNOOKAL, an individual,

Plaintiff,

vs.

CHEVRON USA, INC., a California
Corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 2:23-cv-6302-HDV-AJR

**SUPPLEMENTAL DECLARATION OF
TRACEY A. KENNEDY IN SUPPORT
OF DEFENDANT CHEVRON U.S.A.
INC.'S REPLY BRIEF RE RENEWED
MOTION FOR JUDGMENT AS A
MATTER OF LAW PURSUANT TO
FED. R. CIV. P. 50(b), OR IN THE
ALTERNATIVE, MOTION FOR NEW
TRIAL AND/OR REMITTITUR**

*[Filed concurrently with Reply Motion;
Memorandum of Points and Authorities]*

Date: November 13, 2025

Time: 9:00 a.m.

Place: Courtroom 5B – Fifth Floor

District Judge: Hon. Hernán De. Vera

Magistrate Judge: Hon. A. Joel Richlin

Action Filed: August 3, 2023

Trial Date: August 19, 2025

SUPPLEMENTAL DECLARATION OF TRACEY A. KENNEDY

I, Tracey A. Kennedy, declare as follows:

1. I am an attorney licensed to practice law in California. I am a partner with the law firm Sheppard, Mullin, Richter & Hampton LLP, counsel of record for Defendant Chevron U.S.A. Inc., a Pennsylvania corporation (“Defendant”). I have personal knowledge of the facts set forth below and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached hereto as **Exhibit E** is a true and correct copy of relevant excerpts of the Reporter’s Transcript of Partial Jury Trial Proceedings, dated August 22, 2025, the fourth day of trial in this case.

3. True and correct copies of all cited Trial Exhibits are attached hereto and admitted by the Court as stated:

Trial Exhibit 109, Mark Snookal’s August 4, 2021 email resignation admitted into evidence on August 23, 2025. See Exhibit E at page 103.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this Declaration was executed on October 28, 2025, at Los Angeles, California.

/s/ Tracey A. Kennedy

TRACEY A. KENNEDY

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 - - -

5 HONORABLE HERNÁN D. VERA, DISTRICT JUDGE PRESIDING

6
7 MARK SNOOKAL,)
8 Plaintiffs,)
9)
10 vs.) No. CV 23-06302-HDV
11)
12 CHEVRON USA, INC.,)
13 Defendants.)
14 _____)

15 REPORTER'S TRANSCRIPT OF JURY TRIAL PROCEEDINGS

16 TRIAL DAY FOUR

17 LOS ANGELES, CALIFORNIA

18 FRIDAY, AUGUST 222, 2025
19

20 _____
21 MARIA R. BUSTILLOS
22 OFFICIAL COURT REPORTER
23 C.S.R. 12254
24 UNITED STATES COURTHOUSE
25 350 WEST 1ST STREET
SUITE 4455
LOS ANGELES, CALIFORNIA 90012
(213) 894-2739
MADAMREPORTER.COM

1 document; correct?

2 A Um, I was not told that it was voluntary.

3 Q It wasn't my question, sir. My question is:

4 Did you fill out a voluntary termination document?

5 A No.

6 Q Let's go to Exhibit 109 at page 2, please. Do

7 you recognize this document?

8 A Misunderstood your phrasing of voluntary. I

9 thought you were saying that I didn't have to fill it

10 out, necessarily. So, yes, I did fill this form out.

11 Q All right. Take a look at Exhibit 109 at

12 page 2. Is that your signature in the middle of the

13 page?

14 A It is.

15 Q And you signed this on August 4th, 2021, with

16 your last day on August 20th, 2021; correct?

17 A Correct.

18 Q And you wrote reason for leaving is "I am

19 leaving for an opportunity with significantly increased

20 responsibility"; do you see that?

21 A I do.

22 Q And as of this time August 4, 2021, had your

23 family already moved to -- to Oregon -- or to

24 Washington -- excuse me?

25 A No.

1 A I did.

2 Q Did you ever tell Dr. Reading that you decided
3 to move and take a lower-paying job even though you had
4 to learn a new industry?

5 A I believe I said something like that to him,
6 yes.

7 Q All right. Now, finally, I believe you said
8 you're taking Cym- -- Cymbalta?

9 A Correct.

10 Q And you've been taking that since when?

11 A I cannot remember the exact date that it was
12 prescribed, but it was sometime late-ish 2020. It was
13 very difficult to get an appointment with a psychiatrist
14 during COVID.

15 Q And has that prescription been the same since
16 2020?

17 A It has been.

18 Q Now, according to Dr. Reading, is it correct
19 that you are doing better now than you were doing in
20 2019 and 2020; correct?

21 A I believe I testified earlier to that, as well,
22 yes.

23 MS. KENNEDY: Thank you, Your Honor. I have no
24 more questions.

25 THE COURT: Brief redirect.

1 chose.

2 MR. MUSSIG: We would like to, Your Honor.

3 THE COURT: Okay. Go ahead and make it.

4 MS. FAN: Thank you, Your Honor. Just give me
5 a moment to pull up my notes.

6 THE COURT: Sure.

7 MS. FAN: Thank you. Okay.

8 So I'm now making a FRCP 50(a) motion. We're
9 making it on the following grounds, that the plaintiff's
10 claim for disability discrimination fails because -- on
11 four different grounds: That the plaintiff failed to
12 provide sufficient evidentiary basis for a reasonable
13 jury to find that he was able to perform the essential
14 job duties of the reliability engineering manager
15 position in Escravos.

16 Our second ground is that the plaintiff failed
17 to provide a sufficient evidentiary basis for a
18 reasonable jury to find that his disability was a
19 substantial motivating factor for Chevron U.S.A.'s
20 decision to rescind the job offer for the REM position
21 in Escravos, Nigeria.

22 The third basis is that plaintiff failed to
23 provide a sufficient evidentiary basis for a reasonable
24 jury to find that Chevron U.S.A.'s rescission of the REM
25 position in Escravos, Nigeria, was a substantial factor

1 in harming the plaintiff.

2 And the fourth ground is the plaintiff failed
3 to provide a sufficient evidentiary basis for a
4 reasonable jury to find that his disability did not pose
5 an immediate and substantial degree of risk to his
6 health or safety or the health or safety of others.

7 And we believe the facts that support these
8 grounds are contained in the minutes of the court and
9 the trial transcripts.

10 THE COURT: Okay. All right. Thank you.

11 Any response?

12 MS. FLECHSIG: Yes, Your Honor. We disagree
13 with all four of those bases for defendant's motion.
14 First, multiple witnesses did testify that Mr. Snookal
15 was selected for the job because of his skills. He was
16 able to perform the essential functions of the duty. We
17 saw the actual Chevron paperwork indicating what the
18 physical requirements were for and indicating that there
19 were no heavy lifting requirements, which was the one
20 restriction that Chevron's appointed doctor gave for
21 him.

22 We saw two clearance letters from his treating
23 cardiologist indicating, in his opinion, that it would
24 be safe for him. And we heard trial testimony from
25 Dr. Levy admitting that the only concern he had was the

1 doing a good job; right?

2 A Yes.

3 Q And one of reasons you resigned was because you
4 did not have a college degree. And you believed that
5 you did not have -- that not having a degree would be
6 difficult for you to promote into management or
7 leadership roles; correct?

8 A That that was something I believed?

9 Q Yes.

10 A Difficult, yes.

11 Q And you resigned on August 4th, 2021; correct?

12 A I don't remember the exact date, but that
13 sounds about right.

14 MS. KENNEDY: Let's go to Exhibit 109, please.
15 And this is stipulated to, Your Honor.

16 THE COURT: Okay. Proceed.

17 (Whereupon, Defendant's Exhibit 109 is admitted hereto.)

18 BY MS. KENNEDY:

19 Q And take a look at this and let me know when
20 you had a chance to review, sir?

21 A I'm familiar with this.

22 Q And when you resigned, you gave your last day
23 of August 20th, 2021; correct?

24 A That's correct.

25 Q And you also completed a voluntary termination

EXHIBIT 109

From: Snookal, Mark[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=055D9094D3E242128BEF80F5C6B3DAD9-MVZM]

Sent: Wed 8/4/2021 6:50:49 PM Coordinated Universal Time

To: Tse, Thalia[thaliatse@chevron.com]

Cc: Curtin, Greg[G.Curtin@chevron.com]

Subject: Letter of Resignation

Attachment: MVZM-GO-439-1.pdf

Attachment: Resignation Letter - MVZM.docx

Thalia

I have attached my formal letter of resignation and a signed GO-439-1 form. Would you please let me know if are any other steps I need to perform? I had a conversation with Greg before sending this to you.

Thank You,

Mark Snookal



Instrumentation, Electrical, and Analyzer Reliability Team Lead

Chevron Products Company

El Segundo Refinery


324 W. El Segundo Blvd.

El Segundo, CA 90245

Tel (310) 615-5208

Mobile (310) 678-5914

Mark.Snookal@chevron.com

Got feedback? Please call, email, or share in [Workday](#) 

CUSA000656



Voluntary Termination – GO-439-1

I wish to resign my employment with the Chevron Products Company
(Employing Organization)

effective August 20, 2021, for the following reason(s):

I am leaving for an opportunity with significantly increased responsibility

(Continue on reverse, if needed)

[Signature]
Full Signature

1000444873
SAP Personnel Number

Mark Snookal
Name (print)

August 4, 2021
Date Signed

2200 Maricopa Drive
Home Address

Los Angeles, CA, 90065
City, State, Zip

(If this is a recent change of address, you need to update your records in SAP HR on-line.)

Distribution: Original to Personnel File
Employee – Retain Copy

GO-439-1 (7-05)
Word Electronic Version

CUSA000657

Mark Snookal
2200 Maricopa Dr
Los Angeles, CA 90065
213-458-1341
Mark.Snookal@gmail.com

August 4, 2021

Thalia Tse
HR Business Partner, El Segundo Refinery
Chevron Products Company
324 W. El Segundo Blvd.
El Segundo, CA 90245

Dear Ms. Tse,

I am writing to inform you of my resignation from my position as Instrumentation, Electrical, and Analyzer Reliability Team Leader, effective August 20, 2021. I appreciate all the opportunities you've given me during my time at Chevron Products Company, and the support I've received from the rest of the team.

If I can be of any assistance during the transition, please don't hesitate to ask. I'm always available for questions if need be.

Sincerely,

Mark Snookal

CUSA000658